

No. PD-1184-16
In the
Texas Court of Criminal Appeals
at Austin

FILED
COURT OF CRIMINAL APPEALS
3/27/2017
ABEL ACOSTA, CLERK

No. 01-15-00132-CR
In the
Court of Appeals
For the
First District of Texas
at Houston

RICHARD CHARLES OWINGS, JR.

Appellant

v.

THE STATE OF TEXAS

Appellee

**APPELLANT’S MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT’S REPLY BRIEF ON
STATE’S PETITION FOR DISCRETIONARY REVIEW**

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

COMES NOW Richard Charles Owings, Jr., Appellant, by and through his undersigned attorney, and pursuant to Rules 10.5(b), 38.6(d) and 68.2(c) of the Texas Rules of Appellate Procedure, moves for an extension of time within which to file Appellant’s brief in reply to the State’s brief previously filed in this matter.

In support of this motion, Appellant submits the following facts within the personal knowledge of Appellant's attorney:

1. Appellant was indicted for aggravated sexual assault of a child.
2. Appellant pled not guilty to that offense.
3. A jury found Appellant guilty and sentenced him to 30 years in prison on February 4, 2015.
4. Appellant filed timely written notice of appeal on February 4, 2015.
5. The First District Court of Appeals issued a published opinion reversing and remanding Appellant's case for a new trial on August 30, 2016.
6. This Honorable Court of Criminal Appeals granted the State's Petition for Discretionary Review on February 1, 2017.
7. The State filed its appellate brief in the Court of Criminal Appeals on February 21, 2017. Appellant's reply brief was therefore due for filing on or before March 23, 2017.
8. Appellant requests that the due date for filing his reply brief be extended by a period of 30 days until **April 24, 2017** (*allowing for the 30th day falling on a weekend*).
9. The facts relied upon to show good cause for this extension are as follows:
Appellant's attorney is a solo practitioner who has had numerous scheduled court appearances on various felony cases since February 21, 2017. In addition, during this same time period Appellant's attorney has been involved in pre-trial preparations in four separate pending felony trial cases. Further, during this same time period Appellant's attorney was required to be out of state for a period of one week due to an unexpected death in his immediate family.

10. Appellant has not requested any previous extensions of time to file his reply brief in this matter. This is Appellant's first request for an extension of time to file his reply brief in this matter.
11. Appellant's motion is not made for the purpose of undue delay, but only in the interests of justice.

WHEREFORE, ALL PREMISES CONSIDERED, Appellant prays that this Honorable Court of Criminal Appeals will grant this motion and extend the time to file Appellant's reply brief herein for a period of 30 days to **April 24, 2017**.

Respectfully Submitted,

/s/ Randall J. Ayers

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CERTIFICATE OF SERVICE

I certify that I served the foregoing motion on the District Attorney of Harris County, Texas, by sending a copy to Assistant District Attorney Katie Davis via electronic service to **Davis_Katie@dao.hctx.net** on March 23, 2017.

/s/ Randall J. Ayers

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CERTIFICATE OF COMPLIANCE

Pursuant to the provisions of Rule 9.4(i)(3) of the Texas Rules of Appellate Procedure I certify that this document contains **634** words.

/s/ Randall J. Ayers

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